

while held for sale, the label statement "vitamin C (Ascorbic Acid) 30 mg." was false and misleading as applied to an article containing less than the declared amount of vitamin C; 403(a)—while held for sale, the name of the article "Bio-Tol Improved Multivitamin Formula" was false and misleading since the article contained ingredients, including minerals, in addition to vitamins; and the label statement "The need for the remaining ingredients in human nutrition has not been established" was false and misleading since the need in human nutrition for potassium, copper, magnesium, tocopherol, and methionine in the article has been established.

DISPOSITION: 7-14-60. Consent—claimed by Cosmos Chemical Corp., New York, N.Y., and released under bond for relabeling.

26797. Lecithin. (F.D.C. No. 44438. S. Nos. 93-216 P, 93-218/20 P.)

QUANTITY: 37 8-oz. btls. and 28 1-lb btls. of granular lecithin; 16 100-capsule btls. of No. 761 lecithin; 5 50-capsule btls., 13 100-capsule btls., and 4 250-capsule btls. of liquid lecithin; and 13 100-capsule btls. of soyalecithin and carotene, at Seattle, Wash.

SHIPPED: (Granular lecithin) 1-15-60, from Los Angeles, Calif., by William T. Thompson Co.; (No. 761 lecithin) 1-27-60, from New York, N.Y., by Approved Formulas, Inc.; (liquid lecithin) between 10-2-59 and 11-13-59, from Portland, Oreg., by Nu Vita Co.; and (soyalecithin and carotene) 10-20-59, from South Hackensack, N.J., by Schiff Bio Food Products, Inc.

LABEL IN PART: "Granular Form Wm. Luddy Co. Lecithin Derived From Soybeans \* \* \* A Natural Vegetable phosphatide rich in unsaturated fatty acids \* \* \* Wm. Luddy Company, Los Angeles 27, Calif. St. Louis 3, Mo."; "No. 761 Lecithin 8 Grains natural lecithin obtained from soybeans aids fat metabolism. \* \* \* Manufactured for Approved Formulas, Inc., New York 36, N.Y."; "Soya Liquid Lecithin US Grade \* \* \* Each capsule contains not less than 1200 mg. of N.S. grade Lecithin \* \* \* Nu Vita Company, 1325 S.E. 9th Avenue Portland 14, Oregon"; and "Schiff Natural Lecithin Soyalecithin 370.6 mg. & Carotene Vitamin A 1000 units per capsule \* \* \* Schiff Bio Food Products, Inc., So. Hackensack, N.J."

ACCOMPANYING LABELING: Photocopy of newspaper article by Lelord Kordell entitled "Stay Alive Longer" appearing in the August 26, 1959 edition of a Seattle newspaper.

LIBELED: 4-19-60, W. Dist. Wash.

CHARGE: 403(a)—when shipped, the labeling of the articles contained statements which represented and suggested that the articles were foods for special dietary uses by reason of their lecithin content, which statements were false and misleading since the articles were of no value for such purposes; 403(a)—the names of the articles and the label declarations of the amounts of the ingredients contained in the articles were misleading since such names and declarations suggested and implied that all ingredients of the article were nutritionally significant, whereas the ingredients in the articles were not all nutritionally significant; and 403(a)—the name of the article "Soya Liquid Lecithin" was false and misleading since there is no product which may properly be designated by that name.

The libel alleged also that the articles were misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: 6-17-60. Default—destruction.